

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA

Plaintiff,

No. 1:03-cv-00401-WCG

v.

Hon. William C. Griesbach

TECUMSEH PRODUCTS COMPANY
POLLUTION RISK SERVICES, LLC,
AND PALACE ASSOCIATES LLC,

Defendants.

**UNITED STATES' UNOPPOSED MOTION FOR ENTRY
OF CONSENT DECREE**

The United States, on behalf of the United States Environmental Protection Agency, respectfully moves for entry of the proposed Consent Decree that was lodged with this Court on June 13, 2011, pertaining to the Lower River portion of the Sheboygan River and Harbor Superfund Site ("Site"), in Sheboygan County, Wisconsin.

As explained more fully in the memorandum in support of this motion, under the proposed Consent Decree, Defendants Tecumseh Products, Co., Pollution Risk Services, LLC, and Palace Associates, LLC, would commit to financing and performing the remedy for the Lower River, Middle River, and Inner Harbor portions of the Site, which is expected to cost about \$12.6 million, and to pay U.S. EPA's cost of overseeing the remedial action.¹

¹A Consent Decree that was entered by this Court on May 12, 2004, required Settling Defendant Tecumseh to undertake U.S. EPA's selected remedy for the Upper River

As set forth in the memorandum in support, the proposed Consent Decree is fair, reasonable and consistent with the purposes of the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*, the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, and the Toxic Substances Control Act, 15 U.S.C. §2601-2692.

In accordance with CERCLA Section 122(d)(2)(B), 42 U.S.C. §9622(d)(2)(B), and 28 C.F.R. Part 50.7, the United States Department of Justice, on June 24, 2011, published a notice in the Federal Register, inviting the public to comment on the proposed Consent Decree for a 30-day period commencing with the date of publication of the notice. 76 Fed. Reg. 37,152 (June 24, 2011). The 30-day comment period has expired, with the United States receiving no comments on the proposed Consent Decree.

Through emails dated August 3, 2001, Samantha Corson, an attorney representing Tecumseh, and Mark Mather, Manager of the Assured Group of Companies (which includes PRS and Palace), advised Gregory L. Sukys, an attorney with the U.S. Department of Justice, that the parties they represent interpose no objection to entry of the proposed Consent Decree.

portion of the Site, pay \$2.1 million towards the government's past response costs at the Site, and pay all future costs associated with the Upper River work. Under a January 9, 2006 amendment to the 2004 Consent Decree, Pollution Risk Services, among other things, voluntarily subjected itself to the jurisdiction of the Court, became party to the Amended Consent Decree; agreed to be bound to the terms of the Amended Consent Decree, and agreed to be jointly and severally liable for the completion of the remedy for the Upper River portion of the Site.

WHEREFORE, the United States respectfully requests the Court to approve and enter the proposed Consent Decree.

Respectfully submitted,

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